

SHERIFFS.

CHAPTER 178.

[H. B. No. 232—McClure.]

FEES OF SHERIFFS.

AN ACT to Amend Section 2082 of the Revised Codes of 1899, Relating to Fees to Be Charged by Sheriffs.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That section 2082 of the revised codes of the state of North Dakota for the year 1899 be amended so as to read as follows:

§ 2082. FEES TO BE CHARGED.] The sheriff shall be entitled to charge and receive the following fees:

1. Serving *capias* with commitment of bail bond and return, two dollars.
2. For each search or search warrant, one dollar.
3. Arresting under search warrant, each defendant, one dollar.
4. Serving summons, warrant of attachment, order of replevin, injunctional order, citation or other mesne process and return thereon, sixty cents; each defendant besides the first, fifty cents.
5. Copy of summons, or order of attachment, twenty-five cents.
6. Copy of injunctional order, twenty-five cents.
7. Serving subpoena for witness, each person, twenty-five cents.
8. Taking and filing bond in claim and delivery, or other undertaking to be furnished to and approved by the sheriff, one dollar.
9. Traveling expenses for each mile actually and necessarily traveled, ten cents; provided, that when it is necessary to travel by team, the actual cost of the same may be charged in addition to such mileage, not exceeding three dollars per day.
10. Making copy of any process bond or paper, other than herein provided, for each ten words, one cent.
11. Levying writ of execution and return thereof, one dollar.
12. Levying writ of possession with the aid of the county, three dollars and fifty cents.
13. Levying writ of possession without the aid of the county, two dollars.
14. Summoning grand jury, including mileage to be paid by the county, eight dollars.
15. Summoning petit jury, including mileage to be paid by the county, sixteen dollars.

16. Summoning special jury, for each person empaneled, twenty-five cents.
17. Serving notice of motion or other notice or order of the court, fifty cents.
18. Executing writ of habeas corpus and return, one dollar and twenty-five cents.
19. Serving writ of restitution and return, one dollar and twenty-five cents.
20. Calling inquest to appraise any goods and chattels which [he] may be required to have appraised, sixty cents, and to each appraiser, to be taxed as costs, one dollar.
21. Advertising sale in newspaper, in addition to the publisher's fees, sixty cents.
22. Advertising in writing for sale of personal property, one dollar.
23. Executing writ or order of partition, two dollars.
24. Making deed for land sold on execution or order of sale, two dollars.
25. Committing prisoner to prison, or discharging therefrom, fifty cents.
26. Opening court and attending thereon, four dollars per day, to be paid by the county; and the sum of two dollars per day shall be allowed for attendance in justice's courts, in criminal actions, but this per diem shall not be construed to apply to deputies.
27. Commissions on all moneys received and disbursed by him on execution, order of sale, order of attachment, decree, or on sale of real or personal property, shall be:
 - (a) For each dollar not exceeding four hundred dollars, three cents.
 - (b) For each dollar above four hundred dollars, and not exceeding one thousand dollars, two cents.
 - (c) For each dollar in excess of one thousand dollars, one cent.
28. In all cases in the district court where persons in whose favor the execution order of sale is issued, shall bid in the property sold on execution or judgment, the sheriff or person making such sale shall receive the following compensation:
 - (a) When the amount for which the property is bid in does not exceed one thousand dollars, the sum of five dollars, and no more.
 - (b) When the amount for which the property is bid in exceeds one thousand dollars, the sum of ten dollars, and no more.
29. For services in case of redemption of property from sale under execution or mortgage foreclosure, for issuing certificate of redemption, one dollar.
30. For selling real property under foreclosure of mortgages by advertisement, the same fees as are allowed by law for the sale of real property under a judgment of foreclosure and sale of such property, and no more.
31. For boarding prisoners, not exceeding seventy-five cents per

day each, to be determined by the board of county commissioners.

32. For distributing ballot boxes to the various precincts, two dollars per day and mileage.

33. For executing death warrant, such fee as the board of county commissioners shall deem reasonable and just, to be paid by the county.

34. In all cases where personal property shall be taken by the sheriff on execution or under a warrant of attachment, and applied in satisfaction of the debt without sale, he shall be allowed the same percentage on the appraised value thereof as in case of sale.

35. For the expense of taking and keeping possession of and preserving property under attachment, execution or other process, such sum as the court or judge may order, not to exceed the actual expense incurred, and no keeper must receive to exceed three dollars per day, nor must he be so employed, unless the property is of such character as to require the personal attention and supervision of a keeper. No property must be placed in charge of a keeper if it can be safely and securely stored, or when there is no reasonable danger of loss.

§ 2. REPEAL.] All acts or parts of acts in conflict with this act are hereby repealed.

§ 3. EMERGENCY.] Whereas there are no adequate and clear provisions for sheriffs' fees, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 12, 1903.

STATE'S ATTORNEYS.

CHAPTER 179.

[S. B. No. 202—Little.]

APPOINTMENT OF STATE'S ATTORNEYS.

AN ACT to Amend and Re-enact Section 1986, Revised Codes of North Dakota, Revision of 1899, Relating to the Appointment of State's Attorneys by the Court.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That section 1986 of the revised codes of 1899, be amended and re-enacted so as to read as follows.

§ 1986. AMENDMENT. COURT MAY APPOINT STATE'S ATTORNEY. WHEN AND HOW.] In judicial districts in this state, containing unorganized counties or territory, the district court shall have the power to appoint a state's attorney for such unorganized counties or territory, said attorney, when so appointed, to be the prosecuting officer